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Priorities for the North

A submission

by

The Northwest Territories Legislative Assembly

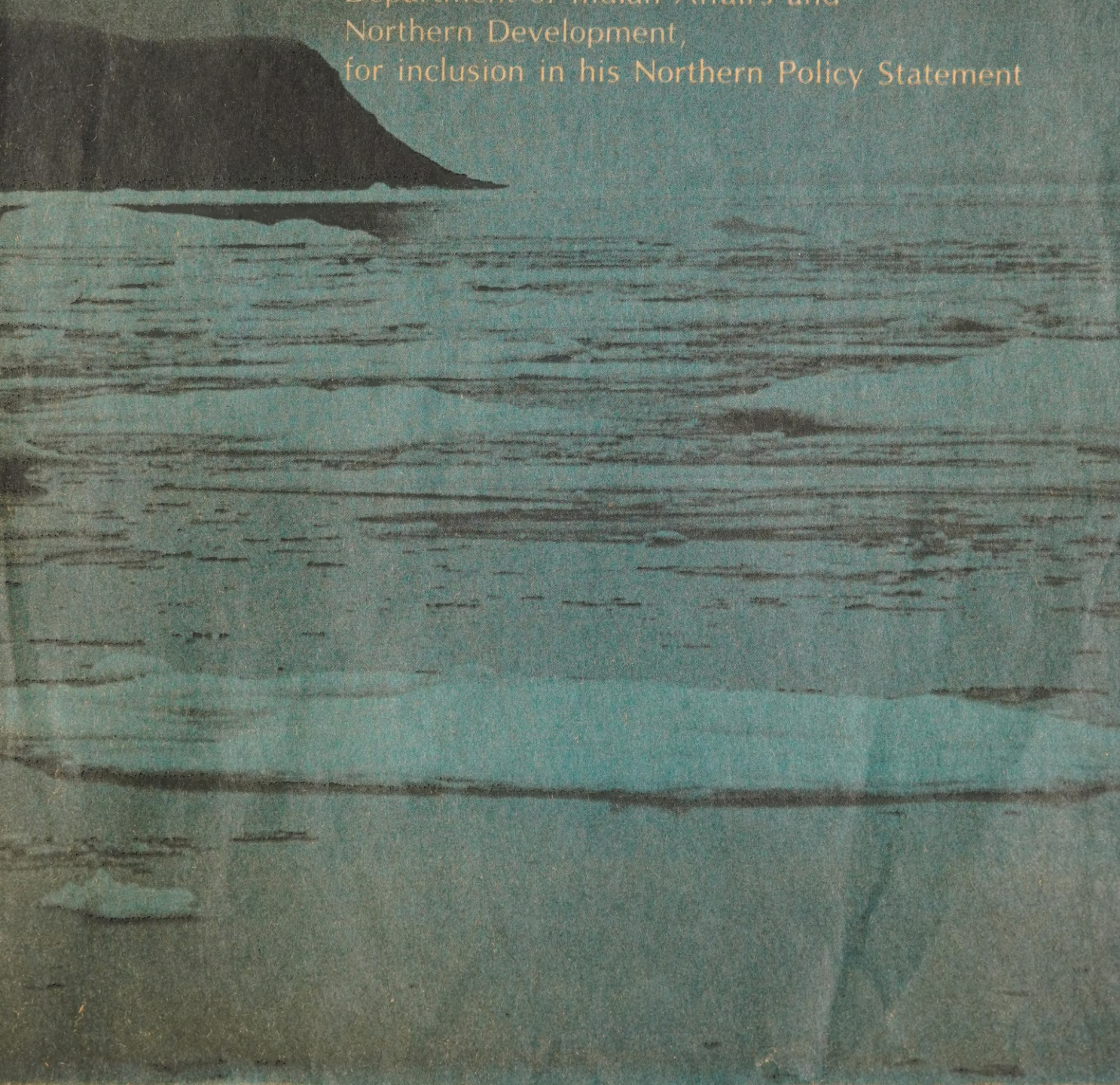
to

the Honorable Warren Allmand, Minister,

Department of Indian Affairs and

Northern Development,

for inclusion in his Northern Policy Statement



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Preamble

At an historic meeting in Ottawa on March 11 this year, the Honorable Warren Allmand, Minister of Indian Affairs and Northern Development, invited the Legislative Assembly of the Northwest Territories to participate with him in the preparation of a major policy statement on the North, for presentation by him to Cabinet for approval, and thereafter to be made public early in July.

The Minister's invitation to northerners to contribute to the formation of northern policy is a unique recognition by the Government of Canada of this Legislature's position under the constitution of the Northwest Territories as the principal political body in the North, duly elected and representative of all people in the Territories.

Subsequent meetings and correspondence between the Minister and this Legislature have promoted a new and vital relationship between the two governments, notable for its openness in discussing areas of conflict, in defining mutual objectives, and in determining various means for attaining the Territories' ultimate goal of responsible government.

An atmosphere of candor and mutual respect has gradually developed in the '70s, replacing the paralysing sense of remoteness and unconcern which too often, in the past, has characterized relations between the Federal and Territorial Governments.

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The Minister has recognized this Assembly's constitutional authority to speak for the people of the Territories, and he is aware also of the important political contribution which individual members of the Legislature are in a position to make toward the execution of government policies through their travels and consultations with residents in their own constituencies.

The predominantly-native population of the Northwest Territories is reflected in its Legislature: of 15 members, nine are of native extraction. Electoral boundaries have been carefully drawn to assure natives the political representation to which their numbers entitle them.

Having attained commensurate political status, it now is proposed that the cultural rights of native people be guaranteed in the constitution of the Northwest Territories. Such an enshrinement of native rights will have a two-fold purpose — to preserve native languages and cultures in some form of immutable legislation, and to guarantee those rights of native people which touch on their traditional use and enjoyment of the land, waters, animal and bird life.

The goal of government in the Territories with respect to all native peoples is to equip them to make a viable choice of following their traditional way of life on the land, entering into the mainstream of Canadian society, or a

compromise involving the best features of both. Such a choice is an illusion if the means of attaining these goals are not within reach.

Education is the first requirement. Native peoples must be brought beyond the minimum level of basic literacy so that they can participate in a modern world. Only when a competency has been developed to live in either the old world or the new can there be said to be an authentic choice, for the essence of choice in native society is capability. Until they have the opportunity of acquiring competitive skills it is empty rhetoric to speak of uneducated and impoverished native peoples having a choice at all.

The other requirement for the exercise of real choice is economic. Native people must have the prospect of employment in their own regions, and this means a vigorous and dynamic development of the economy, ranging from local enterprise to full development of renewable and non-renewable resources. Government subsistence programs, no matter how elaborate, are not a satisfactory alternative to development.

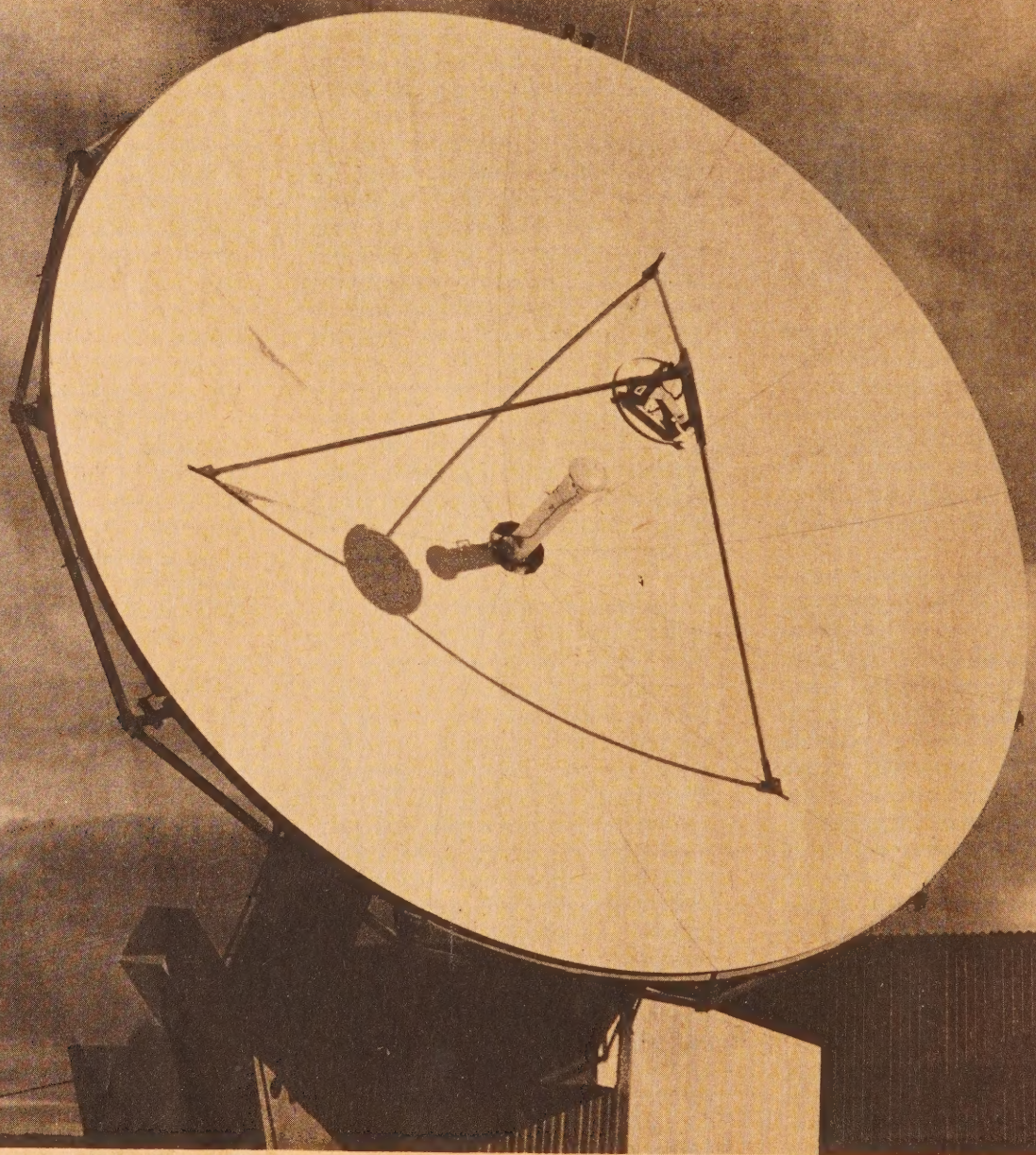
The native peoples of the Northwest Territories have achieved full political maturity, as reflected in the present Legislative Assembly. However, there must be an overwhelming involvement by native people in the institutions of

government at every level if their aspirations are to be realized. We are dedicated to achieving that end.

Of parallel importance to the realization of native goals is the recognition and protection of minority rights. There can be no institution of government in Canada which denies minorities that freedom of movement within and without the Territories which Canadians enjoy in other parts of the country. Nor can any person living in Canada be denied the right to participate in local political institutions in his country, having fulfilled a reasonable residency requirement in his region. This is why the "native state" concept is, and always will be, totally unacceptable to the people of the Northwest Territories.

To speak of "our political right to self-determination, to self-government, through institutions of our own choosing" and for recognition "as a People and as a Nation", and at the same time to wistfully claim membership in Confederation is, put quite simply, a contradiction. The creation of enclaves, which divide people on the basis of race and which deny minorities their political rights, is a concept that is contrary not only to Canadian political tradition but repugnant to the Canadian constitution.

At this point it may be well to consider the first postulate of the "Carrothers" Commission published in 1966:



"Every citizen of Canada has a claim to participate in the institutions of responsible government under the Canadian constitution; it is a goal of political development of the Northwest Territories that the optimum number of Canadian citizens resident in the Territories should, at an optimum speed, participate in government as fully as Canadian citizens resident in the provinces."

If this declaration of rights was true in 1966, it is doubly valid now that the institutions of government have been brought to the hamlet and settlement level. The local governments are in place and the mechanisms for utilizing them are in place, as are the powers and responsibilities for carrying out programs.

What remains is for all northern people to participate fully in managing their own affairs. Substantial modifications of traditional southern-type municipal structures have taken place to adapt to our peculiar local circumstances. Such adaptation has been and is a part of the official policy of the Government of the Northwest Territories, as noted in the appendix.

The first principle governing any modification of existing political institutions is that fulfilment of the aspirations of all must be achieved within the framework of Confederation. All groups are urged to participate in the political life of the Northwest Terri-

tories in order to make their social, cultural and economic aspirations a reality. The institutions through which they can express their deepest ambitions, which will enable them to maintain and enhance their various cultures, are already in existence throughout the Territories. Hamlet and settlement councils will continue to adapt to the needs of individual communities as the people make their wishes known through their elected representatives at every level of government.

The devolution of power and responsibility from the Territorial Government to local councils must be coincident with a transfer of provincial-type responsibilities by the Federal Government to the Territorial Government. Areas of jurisdiction suitable for transfer are being defined presently and the appropriate requests for transfer made.

This Legislature is committed to completing certain objectives outlined by the former Minister, the Honorable Jean Chrétien, in his report on the Government's "Northern Objectives, Priorities and Strategies for the '70s" presented to the Standing Committee on Indian Affairs and Northern Development in 1972:

"In the North, as in other parts of the country, the native peoples want to participate fully in economic and social evolution. They want to have clear choices about

their lives and their role in Canadian society. They want the education, the training, and any other preparation and assistance they may need, for engaging in wage employment, for following professions and trades, for participating in government at all levels — or for following their traditional pursuits. They want jobs, not welfare. We are determined that they shall have solid opportunities for making real choices while retaining their distinctive identity and taking pride in their cultural heritage."

The enclosed material constitutes the Northwest Territories Legislative Assembly's contribution to the Honorable Warren Allmand's Northern Policy Statement.

At the Minister's request, this paper is addressed for the most part to a statement of general principles which represents the views of this Legislature. These are arranged under the headings of Constitutional Development, Land Claims, and Economic Development. However, a number of specific areas are presently under review for future negotiations with the Department of Indian Affairs and Northern Development.

With the full knowledge that economic and social changes, for better or worse, have been part of the fabric of Northern life for many years, and bearing in mind the very high proportion of the native population which is either



in school or approaching school age, we sincerely question whether or not a distinctly slower pace can be accommodated by this growing population.

We understand well the need for time for the native people to gain experience and confidence — the dilemma lies in the choice of that period, given the pressures and restrictions imposed from so many directions.

Constitutional Development

General

(1) "The structure and technique of government should not be foreign to the Canadian political tradition" (Carrothers Commission Postulate 3). It follows from the foregoing that any proposal for separation of an area of the Northwest Territories — for instance, the "native state" concept — must be rejected as "foreign to the Canadian political tradition."

(2) The Northwest Territories Legislative Assembly must be assured that all delegated powers and usages presently enjoyed will be retained in future. No senior government may revoke powers which it has delegated — neither the Federal Government with respect to the Territorial Government, nor the Territorial Government with respect to municipal institutions.

(3) The Federal Government is committed to eventually conferring responsible government on the Territories, either as now geographically defined or on such parts as are deemed ready for change.

Specific

(4) There should be an immediate transfer of provincial-type responsibilities from Ottawa to the Territories. Those areas of jurisdiction which are suitable for transfer at present are as follows: housing, highways and ferry system, forestry, fisheries, health

services and public health, surface rights to land and inland waters, attorney-general and labour relations. In addition to the foregoing powers, the Territorial Government should be responsible for the operation of the Northern Canada Power Commission. We recommend also the transfer of resource management, presently under the northern operations branch of the Department of Indian Affairs and Northern Development (highways and ferry system, forestry, surface rights to land and inland waters, sub-surface rights). The Federal Government should propose a timetable for these transfers.

(5) Residency requirements under the Election Ordinance must not differ substantially from those in effect in other parts of Canada. Therefore, any proposals which require very long-term, continuous residency must be rejected. In any case, this matter is within the competence of the Northwest Territories Legislative Assembly.

(6) The Northwest Territories Legislative Assembly has exercised its right to draw appropriate boundaries for constituencies as required from time to time, and future legislatures may be expected to make similar adjustments, ensuring balanced native representation.

(7) The Northwest Territories

Legislative Assembly should be empowered to establish the number of its members and this number should be not less than 15 members, nor more than 25, similar to the provisions of the Yukon Act. This amendment would come into effect prior to the next election.

(8) Local Government: It is recommended that the present system of strengthening control at the local level be continued, and that any modification thereof should be on the initiative of the communities themselves. (see the appendix).

(9) The question of division of the Northwest Territories is of such magnitude that it must be brought within the terms of reference of the Minister's special representative, and in no case would this Legislature recommend any division based on the new federal constituency boundaries. The subject of division might possibly be referred to a referendum at the time of the next general election.

(10) Membership of the Executive Committee should be increased and the position of Assistant Commissioner abolished. The Executive Committee should be empowered to execute any decision of a majority of its members. The Commissioner should be bound by decisions of the Executive Committee subject only,

however, to specific contrary instructions given him by the Minister or Governor-in-Council.

(11) The Deputy Commissioner, after the next general election, should be chosen from the ranks of elected members and his office should evolve to that of Premier.

(12) The position of Commissioner of the Northwest Territories should evolve to that of Lieutenant-Governor.

(13) The Commissioner and Deputy Commissioner should be paid not by the Federal Government, but from the Consolidated Revenue Fund of the Northwest Territories.

(14) At the time the N.W.T. Act is opened up to effect the amendments contemplated herein, the name should be changed from "Council of the Northwest Territories" to "Legislative Assembly of the Northwest Territories" in order to be consistent with common usage.

(15) The Northwest Territories Legislative Assembly requires a firm commitment from the Minister that there will be purposeful, determined evolution to responsible government within a definite period of time, for the people cannot go forward without the prospect of becoming a full

partner within Confederation, and within a reasonable period of time. Our support of the present system is founded essentially on universality of participation, not on the system as it exists, which is devoid of the responsibilities of self-government. As well, support of the present system is based on the expectancy of the ultimate goal of provincehood within a reasonable time, for the people of the North cannot be put in the untenable position of having their "native state" concept rejected on the one hand and their hopes of provincehood destroyed on the other.



Land Claims

(1) The Federal Government must enunciate a consistent policy with respect to the negotiation of land claims in the Territories. That policy should state that while recognizing that there is an interaction between land claims, economic development and constitutional development, in order to deal with them effectively, constitutional matters should be separated out as hereinafter indicated.

(2) With respect to constitutional matters, the "native state" concept, which lacks the necessary element of universality of participation in political institutions by any Canadian citizen who chooses to live in the Territories, is unacceptable to this Assembly. In its place, this Legislature proposes to enshrine native rights in the constitution of the Northwest Territories and in that of any future province. Such a native "Bill of Rights" will crystallize the rights of native people with respect to their use and enjoyment of the land, waters, animal and bird life, and ensure the preservation of their languages and cultures.

The enshrinement of native rights must be clearly defined in legislation in order to protect those rights from erosion by future legislatures. Although certain rights to hunt for food on unoccupied Crown lands are presently assured under Section 14 (3) of the Northwest Territories

Act, these hunting and trapping rights should be expanded to include areas not presently covered by the provisions of the Act. Only by such statutory guarantees will the preservation of native languages and cultures be assured. At the same time, all Canadians will be able to participate fully in all political institutions, always subject to those rights.

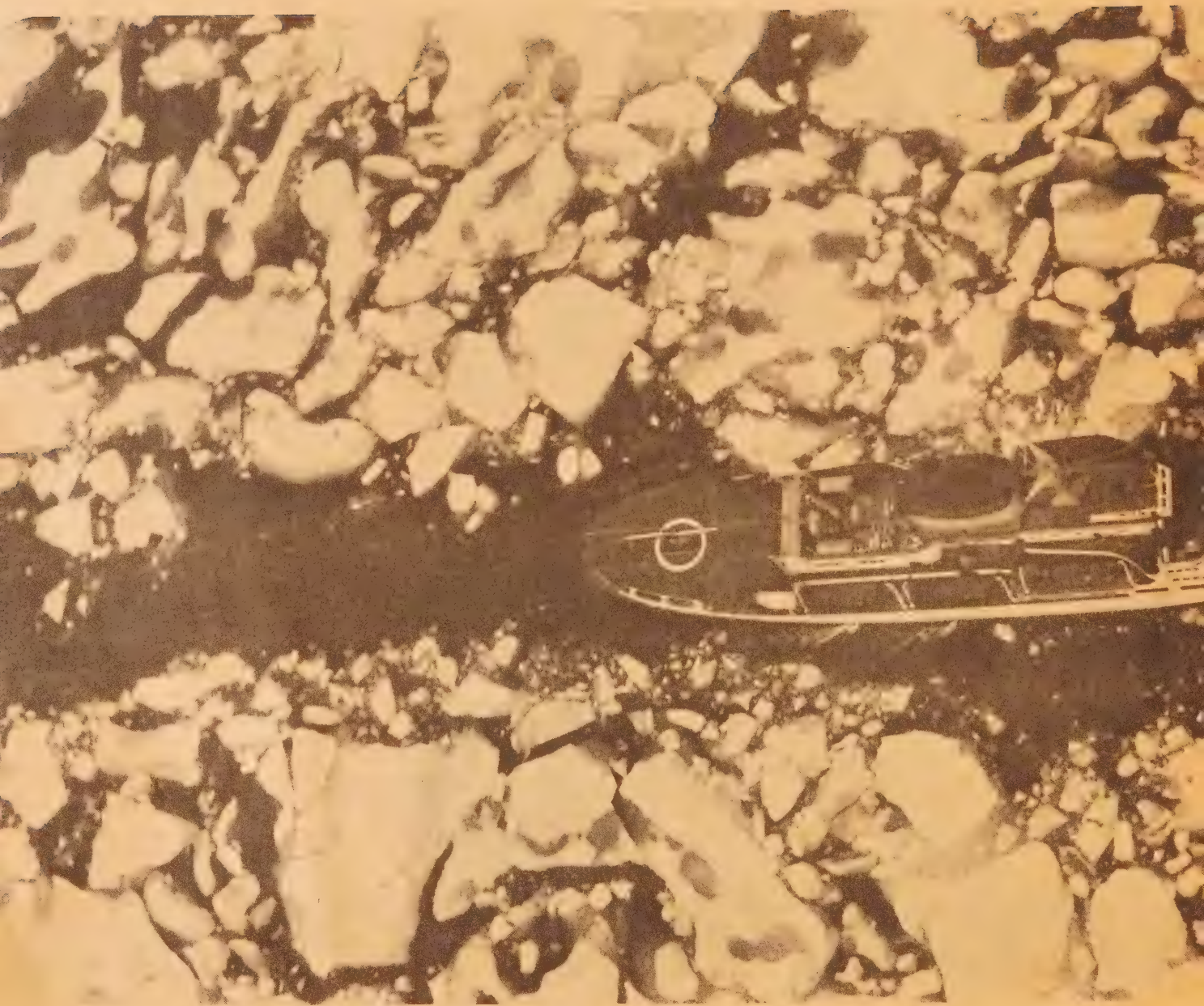
(3) The Northwest Territories Legislative Assembly has a vital interest in the settlement of native land claims and therefore must claim equal representation, together with the Federal Government and native groups, on any Land Claims Negotiating Committee.

The Territorial Government has a substantial beneficial interest in lands presently held by the Crown in the right of the Dominion, and that interest pertains not only to lands which will be apportioned as a result of any settlement, but also to those residual lands which this government as a future province will administer. The people of the Northwest Territories claim an interest in the land because they are residents of the North and citizens of Canada, and that interest will be protected by representation on any negotiating committee.

A further advantage to be derived from such representation is the necessity for explaining the terms of settlement to the people

in the communities, and this can best be accomplished by their elected representatives. Members of this Legislature have a positive contribution to make in both the management of negotiations and in making any settlement understood by and acceptable to the people of the Northwest Territories as well as all citizens of Canada.

(4) The Legislature supports a just and equitable but speedy settlement of native land claims, and would have preferred such settlement to have taken place prior to the construction of the pipeline. However, we do not support the proposition put forth by native groups that there should be no major development until land claims are settled.



Economic Development



(1) The Northwest Territories Legislative Assembly recognizes that the long-term economic development of the Northwest Territories almost certainly will depend on the further exploration and utilization of its natural-resource base.

(2) The Northwest Territories Legislative Assembly proposes that such resource development should be so managed as to (a) generate a maximum amount of secondary economic activity in the Northwest Territories, and (b) provide a revenue base capable of sustaining a popularly-elected system of responsible government in this part of Canada.

(3) The Northwest Territories Legislative Assembly envisions that, as elsewhere in Canada, a predominantly private-enterprise mode of organization will be maintained in the resource-based industries operating in the Northwest Territories. To this end the Northwest Territories Legislative Assembly seeks the powers necessary to ensure that an appropriate climate of investment opportunity is maintained in the Northwest Territories. Specifically this would entail framing and maintaining explicit and consistent policies with respect to land use in the Northwest Territories and establishment of appropriate tax and royalty arrangements.

The Northwest Territories Legislative Assembly seeks, there-

fore, the transfer of powers over all surface and sub-surface land resources within the boundaries of the Northwest Territories from the federal authority to its own jurisdiction.

(4) The Northwest Territories Legislative Assembly recognizes that resource development must be both promoted and controlled if the social, economic and political objectives of the people of the Northwest Territories are to be realized. Resource development in the Northwest Territories must be actively promoted if the economy of the Northwest Territories is to expand sufficiently to provide employment opportunities for the growing population of the area and if a locally-generated tax base adequate to support government is to be created.

At the same time, the Northwest Territories Legislative Assembly recognizes that resource development must be controlled in order to limit the negative social, economic and environmental side effects of development and, on the positive side, to ensure that a fair share of the benefits of such development will accrue either directly or indirectly to the resident population of the Northwest Territories. The difficult task of weighing and reconciling the benefits and costs, especially of large-scale development, must be made largely a responsibility of a democratically-

elected and responsible government of the Northwest Territories.

(5) While the Northwest Territories Legislative Assembly recognizes the primacy of resource development and the particular immediate need to stimulate the large-scale, non-renewable resource industries such as metal mining and the fossil fuels, it is aware also of the desirability of expanding and diversifying the economy of the Northwest Territories in other ways:

(a) by developing a positive agricultural policy to enable the north to reduce, so far as is economically justifiable, its dependence on outside sources of supply.

(b) by improving opportunities for northerners to engage profitably in hunting, trapping, fishing, forestry and other renewable resource-based activities in perpetuity.

(c) by removing obstacles which unduly restrict opportunities for small-business enterprise in the Northwest Territories, especially in the areas of construction, transportation and the private service industries, and

(d) by providing active encouragement to enterprises which invest in secondary processing and other high-labour-content

activities in the Northwest Territories.

Through these and other measures, the Northwest Territories Legislative Assembly would seek to build a more balanced and stable economy in the Northwest Territories.

While acknowledging the need for assistance from DREE and other federal agencies in such economic development programs, the Northwest Territories Legislative Assembly seeks the additional constitutional authority and revenue base required so that it may exercise further initiatives of its own in undertaking such activities, thereby better incorporating into programs of this kind the values and objectives of northern residents themselves.

(6) The Northwest Territories Legislative Assembly fully endorses the principle of providing opportunities for people resident in the Northwest Territories to initiate and direct particular kinds of economic development undertakings specifically related to their own interests and circumstances.

Appendix



The following is a **Response to Commission Counsel Submissions to the Mackenzie Valley Pipeline Inquiry by the Government of the Northwest Territories**, Nov., 1976, Chapter IV — Local Government:

"The Territorial local government structure in the N.W.T. is criticized in Commission Counsel's report for being in conflict with Dene ways and the Band Council structure. The problem is two-fold.

"The form of local government must meet the needs of communities with growing populations as they seek to deal with the problems of today's world at a pace which may not be of their own choosing. Few communities in the North are any longer truly isolated. The pressures of change are there and have been in evidence long before the current pipeline debate. Simply stated, the mechanisms of government must be adequate to the times and the tasks.

"The second problem is that of representation on the Councils. We consider it to be imperative that the composition of local Councils reflects the racial mix of the communities. Indian, Metis, and Inuit people take part fully in communities where they form a majority, but much less so in some centres where they are in a minority position. This problem has yet to be solved, and its solution will require the goodwill of the 'majority' group as well

as the strong efforts of the native people themselves. Clearly the local government structure developed in the N.W.T. is based on the principles of democratic election and that the Councils serve all residents in their communities.

"As long as these principles are maintained, however, the manner in which a local Council chooses to provide services and programs to its community is strongly influenced by that Council. The emphasis and priority in any community is the responsibility of the Council, and members can perform their municipal responsibilities in a manner consistent with the wishes of the majority of the people who elected them.

"The critical observation that the municipal system is foreign to native experience and tradition in the Mackenzie Valley, while partially true, has to be tempered by acknowledgement that it has worked well in many areas of the N.W.T.

"While modelled on normal Canadian municipal systems, our local government structures and processes have been modified to reflect the needs and stage of development of northern residents. An important example of this flexibility of approach is the development of settlement and hamlet councils — both forms unique in Canada in that considerable authority for spending and responsibility for programs are vested in these councils, without the usual requirement for local taxation — in recognition of the lack of a normal taxation base.

"The recently-adopted Territorial policy of even greater decentralization will allow for consultation with communities on the forms of government they feel are best suited to their particular life styles. The role of band councils may well be examined in this context.

"Commission Counsel's report emphasizes that the present local government hierarchy depends on the existence of an evolving tax base.

"This is valid to the extent the Territorial Government broadly follows the principle that increases in municipal or local authority must bear some relationship to community responsibility to meet part of total costs. To a far greater extent than almost anywhere else in Canada, however, communities in the N.W.T. have more authority and a higher level of programs and services than communities with similar economic or taxation bases in the South.

"The fact that there is a very-limited tax base in most Northern communities has been fully recognized by the Territorial Government. We have, therefore, developed policies for local government which recognize this situation and do not rigidly follow the southern Canadian model, but adapt the municipal structure to Northern circumstances.

"A statement is made in the report that communities have virtually no access to the municipal bond market and they cannot, therefore, borrow to finance their own growth. This is a mis-

representation of the situation. The facts are that the Government of the Northwest Territories borrows from the federal government and re-loans this money at prime rates to villages, towns and cities, thus guaranteeing availability of funds. This is a situation which most southern municipalities would envy. The Territorial Government also funds hamlet and settlement capital requirements, through grants.

"At this time the Territorial Government is carrying out a major review to determine what further program authority and responsibility can be given to the communities from the Territorial Government. The fact that this is occurring without any major change in local tax base clearly indicates that our policies for local government growth and development are not wedded directly to local ability to pay."



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